

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

Yovany Padilla

*Plaintiff,*

v.

PNC Bank, National Association

*Defendant.*

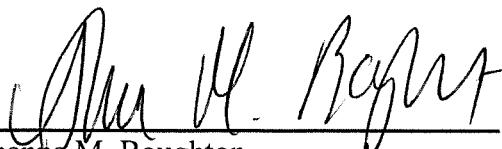
Civil Action No. 1:18-cv-00131-WES-PAS

**AFFIDAVIT OF SHANNA M. BOUGHTON IN SUPPORT OF PNC BANK,  
NATIONAL ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT**

I, Shanna M. Boughton, state as follows:

1. I am an attorney with LeClairRyan PLLC, counsel for Defendant PNC Bank, National Association ("PNC") in this matter.
2. Attached as Exhibit A is a true and accurate copy of the docket for the Chapter 13 Bankruptcy Petition of Plaintiff Yovany Padilla ("Padilla"), No. 1:10-bk-12928.
3. Attached as Exhibit B are true and accurate copies of November 1, 2012 letters from Maggie L. Pitts-Dilley, Esq. to Padilla notifying Padilla of the acceleration of his mortgage loan and right to cure.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 15<sup>th</sup> DAY OF APRIL 2019.

  
Shanna M. Boughton  
1st boughton, shanna

Dated: April 15, 2019

Respectfully submitted,  
PNC BANK, NATIONAL ASSOCIATION  
By its attorney,

/s/ Shanna M. Boughton

Shanna M. Boughton, Esq. #8283

LeClairRyan PLLC

60 State Street

Twenty-Third Floor

Boston, Massachusetts 02109

Phone: (617) 502-5721

Fax: (617) 502-5735

Email: [Shanna.Boughton@leclairryan.com](mailto:Shanna.Boughton@leclairryan.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on April 15, 2019, a true copy of the within was filed and served through the electronic filing system on the following:

John B. Ennis  
1200 Reservoir Avenue  
Cranston, Rhode Island 02920  
Email: Jbelaw75@gmail.com

/s/ Shanna M. Boughton  
Shanna M. Boughton

# **Exhibit A**

CONVERTED, MEANSNO, DISCHARGED, CLOSED

**United States Bankruptcy Court  
District of Rhode Island (Providence)  
Bankruptcy Petition #: 1:10-bk-12928**

*Assigned to:* Judge Arthur N. Votolato  
Chapter 7  
Previous chapter 13  
Voluntary  
No asset

*Date filed:* 07/10/2010  
*Date converted:* 04/12/2012  
*Date terminated:* 07/20/2012  
*Debtor discharged:* 07/16/2012  
*341 meeting:* 06/18/2012  
*Deadline for filing claims:* 11/04/2010  
*Deadline for objecting to discharge:* 07/09/2012  
*Deadline for financial mgmt. course:* 07/09/2012

*Debtor disposition:* Standard Discharge

***Debtor***

**Yovany Padilla**  
132 Hendricks Street  
Central Falls, RI 02863  
PROVIDENCE-RI  
SSN / ITIN: xxx-xx-4366

represented by **John B. Ennis**

1200 Reservoir Avenue  
Cranston, RI 02920  
(401) 943-9230  
Fax : 943-5006  
Email: [jbelaw@aol.com](mailto:jbelaw@aol.com)

**Jacqueline M. Grasso**

Grasso Law Offices  
1310 Atwood Avenue  
Johnston, RI 02919  
401-946-4500  
Fax : 401-946-4502  
Email: [jgrasso@grassolaw.net](mailto:jgrasso@grassolaw.net)

***Assistant U.S. Trustee***

**Gary L. Donahue**  
Office of the U.S. Trustee  
10 Dorrance Street  
Providence, RI 02903  
(401) 528-5551

***Trustee***

**John Boyajian**  
400 Westminster St. Box 12  
Providence, RI 02903  
(401) 223-5550  
*TERMINATED: 04/12/2012*

***Trustee***

**Lisa A. Geremia**  
Geremia & DeMarco Ltd.  
620 Main Street CU 3A  
East Greenwich, RI 02818  
(401) 885-1444

Filing Date	#	Docket Text
07/10/2010	<u>1</u> (7 pgs)	Chapter 13 Voluntary Petition . Fee Amount \$274 Filed by Yovany Padilla. Government Proof of Claim due by 01/6/2011. (Ennis, John) (Entered: 07/10/2010)
07/10/2010		Receipt of filing fee for Voluntary Petition (Chapter 13)(1:10-bk-12928) [misc,volp13a] ( 274.00). Receipt number 1493726, amount \$ 274.00. (U.S. Treasury) (Entered: 07/10/2010)
07/10/2010	<u>2</u> (1 pg)	Certificate of Credit Counseling Filed by Debtor Yovany Padilla. (Ennis, John) (Entered: 07/10/2010)
07/11/2010	<u>3</u> (3 pgs; 2 docs)	First Meeting of Creditors & Notice of Appointment of Interim Trustee John Boyajian to be held on 08/06/2010 at 10:30 AM at Federal Center (Room 620). Proof of Claim due by 11/04/2010. Confirmation Hearing to be Held on 09/15/2010 at 10:00 AM at 6th Floor Courtroom Objections to Discharge due by 10/05/2010 (Entered: 07/11/2010)
07/12/2010	<u>4</u> (1 pg)	14 Day Order re: Missing Documents and Automatic Dismissal if Documents Are Not Timely Filed. (related document(s) <u>1</u> Voluntary Petition (Chapter 13) filed by Debtor Yovany Padilla). To view the specific items listed in the Missing Documents Order, click on the document number for this entry. Missing Documents Due By: 7/26/2010. (intern2, intern2) (Entered: 07/12/2010)
07/14/2010	<u>5</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <u>4</u> 14 Day Order Re: Missing Documents) Service Date 07/14/2010. (Admin.) (Entered: 07/15/2010)
07/14/2010	<u>6</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <u>3</u> Creditors Meeting (Chapter 13)) Service Date 07/14/2010. (Admin.) (Entered: 07/15/2010)
07/14/2010	<u>7</u> (5 pgs)	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <u>3</u> Creditors Meeting (Chapter 13)) Service Date 07/14/2010. (Admin.) (Entered: 07/15/2010)
07/21/2010		Notice of Appearance and Request for Notice (Text Only) Filed by Elizabeth A. Lonardo on behalf of PNC Bank, N.A. (Lonardo, Elizabeth) (Entered: 07/21/2010)
07/26/2010	<u>8</u> (2 pgs)	Motion to Extend Time until August 2, 2010 to To File Missing Documents Filed by Debtor Yovany Padilla (related document(s) <u>4</u> 14 Day Order Re: Missing Documents). Status Check Due by:08/2/2010. Objections to Motion Due: 08/12/2010. If this is an Emergency Motion, the objection deadline will not apply and a new deadline will be set by the court. See Local Bankruptcy Rule 9013-2(e)(3). (Ennis, John) (Entered: 07/26/2010)

07/27/2010	<u>9</u> (1 pg)	Order Granting Motion to Extend Time to: 8/2/2010 to file missing documents (Related Doc # <u>8</u> ) . Updated Deadline Due By: 8/2/2010. (Davis, Jennifer) (Entered: 07/27/2010)
07/29/2010	<u>10</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <u>9</u> Order on Motion to Extend Time) Service Date 07/29/2010. (Admin.) (Entered: 07/30/2010)
08/02/2010	<u>11</u> (26 pgs; 2 docs)	Chapter 13 Plan ;and Motion to Modify Secured Claims Filed by Debtor Yovany Padilla. (Attachments: <u>1</u> Appraisal)(Ennis, John) (Entered: 08/02/2010)
08/02/2010	<u>12</u> (1 pg)	Certificate of Service Filed by Debtor Yovany Padilla (related document(s) <u>11</u> Chapter 13 Plan filed by Debtor Yovany Padilla). (Ennis, John) (Entered: 08/02/2010)
08/02/2010	<u>13</u> (30 pgs)	Missing Document(s) Filed: Schedule A, Schedule B, Schedule C, Schedule D, Schedule E, Schedule F, Schedule G, Schedule H, Schedule I, Schedule J, Summary of Schedules Declaration Concerning Debtors Schedules, Stmt of Financial Affairs, Stmt of Intent, Disclosure of Atty Compensation, Notice to Individual Consumer Debtor, re: Filed by Debtor Yovany Padilla. (Ennis, John) (Entered: 08/02/2010)
08/02/2010	<u>14</u> (7 pgs)	Chapter 13 Statement of Current Monthly and Disposable Income Filed by Debtor Yovany Padilla. (Ennis, John) (Entered: 08/02/2010)
08/02/2010	<u>15</u> (2 pgs)	Chapter 13 Agreement -Form V Filed by Debtor Yovany Padilla (related document(s) <u>1</u> Voluntary Petition (Chapter 13) filed by Debtor Yovany Padilla). (Ennis, John) (Entered: 08/02/2010)
08/02/2010	<u>16</u>	<b>RESTRICTED ACCESS!</b> Employee Income Records Filed by Debtor Yovany Padilla. (Ennis, John) (Entered: 08/02/2010)
08/06/2010		Meeting of Creditors Held in Chapter 13 Case. (Boyajian, John) (Entered: 08/06/2010)
09/07/2010	<u>17</u> (2 pgs)	Objection to Confirmation of Plan <i>with certificate of service</i> re <u>11</u> Chapter 13 Plan filed by Debtor Yovany Padilla). Filed by Creditor PNC Bank, N.A (Lonardo, Elizabeth) (Entered: 09/07/2010)
09/14/2010	<u>18</u> (2 pgs)	Joint Motion to Continue Hearing Filed by Creditor PNC Bank, N.A, Debtor Yovany Padilla (related document(s) <u>11</u> Chapter 13 Plan). Objections to Motion Due: 10/1/2010. If this is an Emergency Motion, the objection deadline will not apply and a new deadline will be set by the court. See Local Bankruptcy Rule 9013-2(e)(3). (Ennis, John) Modified link on 9/15/2010 (Davis, Jennifer). (Entered: 09/14/2010)

09/14/2010	<u>19</u> (2 pgs; 2 docs)	Order Granting Motion To Continue/Reschedule Hearing On (Related Doc # <u>18</u> ) (related document(s) <u>11</u> Chapter 13 Plan, <u>17</u> Objection to Confirmation of Plan by PNC Bank, N.A). Hearing scheduled for 10/6/2010 at 10:00 AM at 6th Floor Courtroom. (DAgostino, Holly) (Entered: 09/14/2010)
09/16/2010	<u>20</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <u>19</u> Order on Motion to Continue/Reschedule Hearing) Service Date 09/16/2010. (Admin.) (Entered: 09/17/2010)
09/16/2010	<u>21</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <u>19</u> Order on Motion to Continue/Reschedule Hearing) Service Date 09/16/2010. (Admin.) (Entered: 09/17/2010)
10/06/2010	<u>22</u> (1 pg)	PDF with attached Audio File. Court Date & Time [ 10/6/2010 10:39:44 AM ]. File Size [ 216 KB ]. Run Time [ 00:01:48 ]. (admin). (Entered: 10/06/2010)
10/06/2010		Hearing Held (related document(s) <u>11</u> Chapter 13 Plan filed by Debtor Yovany Padilla, <u>17</u> Objection to Confirmation of Plan filed by Creditor PNC Bank, N.A). APPEARANCES: John Boyajian, John Ennis, Kathryn Fyans . Parties have resolved the objection with PNC. Attorney Ennis states that they are no longer seeking to modify the claim of Pawtucket Credit Union. Per trustee, plan payments are \$425/60 months plus federal tax refunds. Unsecured creditors will receive 3%. The Court confirms the plan. Order Due by: 10/20/2010. (DAgostino, Holly) (Entered: 10/06/2010)
10/07/2010	<u>23</u> (4 pgs)	Proposed Order <i>confirming chapter 13 plan</i> Filed by Trustee John Boyajian (related document(s) <u>11</u> Chapter 13 Plan filed by Debtor Yovany Padilla). Status Deadline Re: Proposed Order: 10/14/2010. (Boyajian, John) (Entered: 10/07/2010)
10/07/2010	<u>24</u> (1 pg)	Proposed Order <i>regarding plan payments</i> Filed by Trustee John Boyajian. Status Deadline Re: Proposed Order: 10/14/2010. (Boyajian, John) (Entered: 10/07/2010)
10/15/2010	<u>25</u> (4 pgs)	Order Confirming Chapter 13 Plan AND Granting Motions to Modify (RE: related document(s) <u>11</u> Chapter 13 Plan). Status Check Due by: 4/15/2016. (Davis, Jennifer) (Entered: 10/15/2010)
10/15/2010	<u>26</u> (1 pg)	Order for Debtor to Pay Trustee. (Davis, Jennifer) (Entered: 10/15/2010)
10/17/2010	<u>27</u> (5 pgs)	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <u>25</u> Order Confirming Chapter 13 Plan) Service Date 10/17/2010. (Admin.) (Entered: 10/18/2010)



10/17/2010	<u>28</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <u>26</u> Order To Pay Wages) Service Date 10/17/2010. (Admin.) (Entered: 10/18/2010)
10/26/2010	<u>29</u> (1 pg)	Any objection by the transferor to such transfer must be filed within twenty (21) days of the mailing of this notice. Assignment Of Claim Of FIA CARD SERVICES, NA To Portfolio Recovery Associates, LLC. to Portfolio Recovery Associates, LLC.PO Box 41067Norfolk, VA 23541 Filed by PRA Receivables Management LLC (Hardy, Carol) (Entered: 10/26/2010)
10/27/2010	<u>30</u> (1 pg)	Court Notice (related document(s) <u>29</u> Assignment of Claim filed by Creditor PRA Receivables Management LLC). (Davis, Jennifer) (Entered: 10/27/2010)
10/29/2010	<u>31</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <u>30</u> Court Notice) Service Date 10/29/2010. (Admin.) (Entered: 10/30/2010)
11/11/2010	<u>32</u> (1 pg)	Any objection by the transferor to such transfer must be filed within twenty (21) days of the mailing of this notice. Assignment Of Claim Of FIA Card Services NA To Portfolio Recovery Associates, LLC to Portfolio Recovery Associates, LLC. Filed by PRA Receivables Management LLC (Hardy, Carol) (Entered: 11/11/2010)
11/12/2010	<u>33</u> (1 pg)	Court Notice (related document(s) <u>32</u> Assignment of Claim filed by Creditor PRA Receivables Management LLC). (Davis, Jennifer) (Entered: 11/12/2010)
11/14/2010	<u>34</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <u>33</u> Court Notice) Service Date 11/14/2010. (Admin.) (Entered: 11/15/2010)
01/07/2011		Government Proof of Claim deadline terminated. (ADI) (Entered: 01/07/2011)
02/08/2011		Objection to discharge deadline terminated. (ADI) (Entered: 02/08/2011)
09/22/2011	<u>35</u> (2 pgs; 2 docs)	Trustee's Motion to Dismiss Case Filed by Trustee John Boyajian. Objections to Motion Due: 10/11/2011. (Attachments: <u>1</u> Memorandum of Law)(Boyajian, John) (Entered: 09/22/2011)
10/03/2011	<u>36</u> (21 pgs)	Notice of Substitute Attorney. (Fyans, Kathryn) (Entered: 10/03/2011)
10/04/2011	<u>37</u>	Withdrawal of Document. Court will terminate WITHDRAWN

	(1 pg)	document Filed by Trustee John Boyajian (related document(s) <u>35</u> Trustee's Motion to Dismiss Case filed by Trustee John Boyajian). (Boyajian, John) (Entered: 10/04/2011)
10/05/2011		Document terminated: (related document(s): <u>35</u> Trustee's Motion to Dismiss Case filed by Trustee John Boyajian) -- Withdrawn. (Davis, Jennifer) (Entered: 10/05/2011)
04/09/2012	<u>38</u> (3 pgs; 2 docs)	Trustee's Motion to Dismiss Case Filed by Trustee John Boyajian. Objections to Motion Due: 04/26/2012. (Attachments: # <u>1</u> Memorandum of Law)(Boyajian, John) (Entered: 04/09/2012)
04/11/2012	<u>39</u> (3 pgs)	Notice of Appearance and Request for Notice Filed by Jacqueline M. Grasso on behalf of Yovany Padilla. (Grasso, Jacqueline) (Entered: 04/11/2012)
04/11/2012		Withdrawal of Document. Court will terminate WITHDRAWN document Filed by Debtor Yovany Padilla (related document(s) <u>39</u> Notice of Appearance and Request for Notice filed by Debtor Yovany Padilla). (Grasso, Jacqueline) (Entered: 04/11/2012)
04/11/2012	<u>40</u> (3 pgs)	Notice of Appearance and Request for Notice Filed by Jacqueline M. Grasso on behalf of Yovany Padilla. (Grasso, Jacqueline) (Entered: 04/11/2012)
04/11/2012	<u>41</u> (3 pgs)	Notice of Voluntary Conversion to Chapter 7 <i>with certificate of service</i> Fee Amount \$25, Filed by Jacqueline M. Grasso on behalf of Yovany Padilla. (Grasso, Jacqueline) (Entered: 04/11/2012)
04/11/2012		Receipt of filing fee for Notice of Voluntary Conversion to Chapter 7(1:10-bk-12928) [notice,ntccnv] ( 25.00). Receipt number 2135255, amount \$ 25.00. (U.S. Treasury) (Entered: 04/11/2012)
04/12/2012		Document terminated - (related document(s): <u>39</u> Notice of Appearance and Request for Notice filed by Debtor Yovany Padilla) Document withdrawn and re-filed - see doc <u>40</u> . (Sweeney, Carolyn) (Entered: 04/12/2012)
04/12/2012	<u>42</u> (1 pg)	Case Converted. Trustee John Boyajian removed from the case. Trustee Lisa A. Geremia added to the case. (Davis, Jennifer) (Entered: 04/12/2012)
04/12/2012	<u>43</u> (3 pgs; 2 docs)	Meeting of Creditors & Notice of Appointment of Interim Trustee 341(a) meeting to be held on 5/8/2012 at 03:00 PM at Federal Center (Room 620). Financial Management Course due: 7/9/2012. Last day to oppose discharge or dischargeability is 7/9/2012. (Davis, Jennifer) (Entered: 04/12/2012)

04/12/2012	<u>44</u> (1 pg)	Order Setting Post Conversion Deadlines: Post Conversion Rpt Due by: 5/14/2012. Schedule of Post Petition Debt Due By: 4/26/2012. Missing Documents Due By: 4/26/2012. (Davis, Jennifer) (Entered: 04/12/2012)
04/12/2012	<u>45</u> (1 pg)	Order Mooting Trustee's Motion To Dismiss Case (Related Doc # <u>38</u> ). Case converted to Chapter 7. (Davis, Jennifer) (Entered: 04/12/2012)
04/14/2012	<u>46</u> (3 pgs)	BNC Certificate of Notice - PDF Document. (RE:related documents(s) <u>44</u> Order Setting Post Conversion Deadlines) Notice Date 04/14/2012. (Admin.) (Entered: 04/15/2012)
04/14/2012	<u>47</u> (3 pgs)	BNC Certificate of Notice - PDF Document. (RE:related documents(s) <u>45</u> Order on Trustee's Motion to Dismiss Case) Notice Date 04/14/2012. (Admin.) (Entered: 04/15/2012)
04/14/2012	<u>48</u> (3 pgs)	BNC Certificate of Notice - PDF Document. (RE:related documents(s) <u>42</u> Utility Convert Case) Notice Date 04/14/2012. (Admin.) (Entered: 04/15/2012)
04/14/2012	<u>49</u> (5 pgs)	BNC Certificate of Notice - PDF Document. (RE:related documents(s) <u>43</u> Meeting of Creditors Chapter 7 No Asset) Notice Date 04/14/2012. (Admin.) (Entered: 04/15/2012)
04/26/2012	<u>50</u> (7 pgs)	Chapter 7 Statement of Current Monthly Income and Means Test Calculation - Form 22A . Filed by Debtor Yovany Padilla. (Grasso, Jacqueline) (Entered: 04/26/2012)
04/26/2012	<u>51</u> (1 pg)	Schedule of Post Petition Debts *****No New Post Petition Creditors***** Filed by Debtor Yovany Padilla. (Grasso, Jacqueline) (Entered: 04/26/2012)
05/09/2012		Meeting of Creditors Continued on 6/18/2012 at 12:30 PM at Federal Center (Room 620). (Geremia, Lisa) (Entered: 05/09/2012)
05/10/2012	<u>52</u> (2 pgs)	Trustee Post Conversion Report Under Chapter 13 (Boyajian, John) (Entered: 05/10/2012)
05/10/2012	<u>53</u> (1 pg)	Order Discharging Chapter 13 Trustee (Davis, Jennifer) (Entered: 05/10/2012)
05/12/2012	<u>54</u> (3 pgs)	BNC Certificate of Notice - PDF Document. (RE:related documents(s) <u>53</u> Order Discharging Chapter 13 Trustee) Notice Date 05/12/2012. (Admin.) (Entered: 05/13/2012)
06/19/2012		Chapter 7 Trustee's Report of No Distribution: I, Lisa A. Geremia, having been appointed trustee of the estate of the above-named debtor(s), report that I have neither received any

		property nor paid any money on account of this estate; that I have made a diligent inquiry into the financial affairs of the debtor(s) and the location of the property belonging to the estate; and that there is no property available for distribution from the estate over and above that exempted by law. Pursuant to Fed R Bank P 5009, I hereby certify that the estate of the above-named debtor(s) has been fully administered. I request that I be discharged from any further duties as trustee. Key information about this case as reported in schedules filed by the debtor(s) or otherwise found in the case record: This case was pending for 2 months. Assets Abandoned (without deducting any secured claims): \$ 0.00, Assets Exempt: \$ 0.00, Claims Scheduled: \$ 0.00, Claims Asserted: Not Applicable, Claims scheduled to be discharged without payment(without deducting the value of collateral or debts excepted from discharge): \$ 0.00. (Geremia, Lisa) (Entered: 06/19/2012)
07/10/2012	<u>55</u> (1 pg)	Notice of Intent to Close Case without Discharge for failure to file Financial Management Course Certificate. Status Check on Intent to Close Case: 7/24/2012. (Davis, Jennifer) (Entered: 07/10/2012)
07/12/2012	<u>56</u> (3 pgs)	BNC Certificate of Notice - PDF Document. (RE:related documents(s) <u>55</u> Notice of Intent to Close Case) Notice Date 07/12/2012. (Admin.) (Entered: 07/13/2012)
07/16/2012	<u>57</u> (1 pg)	Financial Management Course Certificate Filed by Debtor Yovany Padilla. (Grasso, Jacqueline) (Entered: 07/16/2012)
07/16/2012	<u>58</u> (2 pgs)	Order Discharging Debtor (Davis, Jennifer) (Entered: 07/16/2012)
07/18/2012	<u>59</u> (5 pgs)	BNC Certificate of Notice - PDF Document. (RE:related documents(s) <u>58</u> Order Discharging Debtor) Notice Date 07/18/2012. (Admin.) (Entered: 07/19/2012)
07/20/2012		Order Discharging Chapter 7 Trustee & Closing No Asset Case (TEXT ONLY) (Davis, Jennifer) (Entered: 07/20/2012)

PACER Service Center			
Transaction Receipt			
09/20/2018 14:03:18			
<b>PACER Login:</b>	LeclairRyan1:4987306:0	<b>Client Code:</b>	09000.0001/0000
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:10-bk-12928 Fil or Ent: filed Doc From: 0 Doc To: 99999999

			Term: included Format: html Page counts for documents: included
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.50

# **Exhibit B**

**HARMON LAW OFFICES, P.C.**

150 CALIFORNIA STREET  
NEWTON, MASSACHUSETTS 02458  
TEL (617) 558-0500  
FAX (617) 244-7304  
Business Hours: Monday-Friday 8:00 AM-to 5:30 PM  
*SERVING MASSACHUSETTS, NEW HAMPSHIRE AND RHODE ISLAND*

November 1, 2012

Sir/Madam Yovanny Padilla a/k/a Yovany Padilla  
132-134 HENDRICKS ST  
CENTRAL FALLS, RI 02863

RE: Mortgage on 132-134 HENDRICKS ST, CENTRAL FALLS, Rhode Island

Dear Sir/Madam Padilla:

This office has been retained by PNC Bank, NA to foreclose on a mortgage dated August 20, 2003 from Yovanny Padilla a/k/a Yovany Padilla to National City Mortgage Co, in the original principal amount of \$246,137.00. Our client informs us that you are in breach of the conditions of the loan documents. We have been instructed to bring a foreclosure in the name of PNC Bank, National Association under the Power of Sale contained in your mortgage and by entry. You are further notified that the note is hereby accelerated and the entire balance is due and payable forthwith and without further notice. Even though the note has been accelerated, you may still have the right to reinstate the loan. If so, and if you desire to reinstate the loan, you will need to pay an amount of money sufficient to bring the loan fully current.

Under the terms of the note and mortgage, there is outstanding through the date of this letter \$216,040.65 in principal and \$29,691.45 in interest and other charges for a total of **\$244,696.91**. Furthermore, attorney's fees and costs and other charges will continue to accrue pursuant to the terms of the loan documents.

The amount necessary to reinstate or pay off the loan changes daily. You may order a reinstatement or payoff 24 hours a day on-line by going to [www.hloreinstatement.com](http://www.hloreinstatement.com) or to [www.hlopayoff.com](http://www.hlopayoff.com). Please follow the instructions contained on the web page. Please note that only requests made by owners, borrowers, mortgagors and authorized parties will be processed. You may also contact us during business hours to request a reinstatement or payoff by calling (617) 558-0598. When completing the on-line form or when calling our office, please reference your Case Number 201208-0152 so that we may process your request more quickly.

You are further notified that since you have been discharged in a Chapter 7 bankruptcy, you are not personally liable for this obligation, but the Holder may proceed to foreclose as described herein if the default is not cured.

Unless you, within thirty days after receipt of this notice, dispute the validity of the debt or any portion thereof, the debt will be assumed to be valid by this office. If you notify this office in writing within the thirty-day period that the debt, or any portion thereof, is disputed, this office will obtain verification of the debt or a copy of a judgment against you and a copy of such verification or judgment will be mailed to you by this office. Upon your written request within the thirty-day period, this office will provide you with the name and address of the original creditor, if different from the current creditor.

The law does not require this office to wait until the end of the thirty-day period before proceeding with legal action to collect the debt. However, if you notify this office in writing within the thirty-day period described in the previous paragraph that the debt, or any portion thereof, is disputed, or that you request the name and address of the original creditor, this office shall cease collection of the debt, or any disputed portion thereof, until this office obtains verification of the debt or a copy of a judgment, or the name and address of the original creditor, and a copy of such verification or judgment, or name and address of the original creditor, is mailed to you by this office.

Your failure to dispute the validity of the debt may not be construed by any court as an admission of liability by you.

Very truly yours,

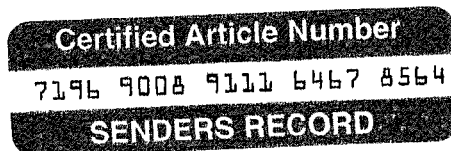
*Maggie L. Pitts-Dilley*

Maggie L. Pitts-Dilley, Esquire

MLR/BXD/201208-0152

CERTIFIED MAIL NO.  
RETURN RECEIPT REQUESTED

**PLEASE BE ADVISED THAT THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND  
THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**





**HARMON LAW OFFICES, P.C.**

150 CALIFORNIA STREET  
NEWTON, MASSACHUSETTS 02458  
TEL (617) 558-0500  
FAX (617) 244-7304  
Business Hours: Monday-Friday 8:00 AM-to 5:30 PM  
*SERVING MASSACHUSETTS, NEW HAMPSHIRE AND RHODE ISLAND*

November 1, 2012

Sir/Madam Yovanny Padilla a/k/a Yovany Padilla  
132 HENDRICKS ST  
CENTRAL FALLS, RI 02863

RE: Mortgage on 132-134 HENDRICKS ST, CENTRAL FALLS, Rhode Island

Dear Sir/Madam Padilla:

This office has been retained by PNC Bank, NA to foreclose on a mortgage dated August 20, 2003 from Yovanny Padilla a/k/a Yovany Padilla to National City Mortgage Co, in the original principal amount of \$246,137.00. Our client informs us that you are in breach of the conditions of the loan documents. We have been instructed to bring a foreclosure in the name of PNC Bank, National Association under the Power of Sale contained in your mortgage and by entry. You are further notified that the note is hereby accelerated and the entire balance is due and payable forthwith and without further notice. Even though the note has been accelerated, you may still have the right to reinstate the loan. If so, and if you desire to reinstate the loan, you will need to pay an amount of money sufficient to bring the loan fully current.

Under the terms of the note and mortgage, there is outstanding through the date of this letter \$216,040.65 in principal and \$29,691.45 in interest and other charges for a total of **\$244,696.91**. Furthermore, attorney's fees and costs and other charges will continue to accrue pursuant to the terms of the loan documents.

The amount necessary to reinstate or pay off the loan changes daily. You may order a reinstatement or payoff 24 hours a day on-line by going to [www.hloreinstatement.com](http://www.hloreinstatement.com) or to [www.hlopayoff.com](http://www.hlopayoff.com). Please follow the instructions contained on the web page. Please note that only requests made by owners, borrowers, mortgagors and authorized parties will be processed. You may also contact us during business hours to request a reinstatement or payoff by calling (617) 558-0598. When completing the on-line form or when calling our office, please reference your Case Number 201208-0152 so that we may process your request more quickly.

You are further notified that since you have been discharged in a Chapter 7 bankruptcy, you are not personally liable for this obligation, but the Holder may proceed to foreclose as described herein if the default is not cured.

Unless you, within thirty days after receipt of this notice, dispute the validity of the debt or any portion thereof, the debt will be assumed to be valid by this office. If you notify this office in writing within the thirty-day period that the debt, or any portion thereof, is disputed, this office will obtain verification of the debt or a copy of a judgment against you and a copy of such verification or judgment will be mailed to you by this office. Upon your written request within the thirty-day period, this office will provide you with the name and address of the original creditor, if different from the current creditor.

The law does not require this office to wait until the end of the thirty-day period before proceeding with legal action to collect the debt. However, if you notify this office in writing within the thirty-day period described in the previous paragraph that the debt, or any portion thereof, is disputed, or that you request the name and address of the original creditor, this office shall cease collection of the debt, or any disputed portion thereof, until this office obtains verification of the debt or a copy of a judgment, or the name and address of the original creditor, and a copy of such verification or judgment, or name and address of the original creditor, is mailed to you by this office.

Your failure to dispute the validity of the debt may not be construed by any court as an admission of liability by you.

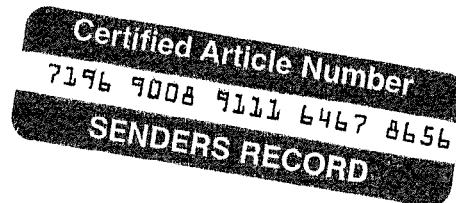
Very truly yours,

M L Pitts-Dilley

Maggie L. Pitts-Dilley, Esquire

MLR/BXD/201208-0152

CERTIFIED MAIL NO.  
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